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December 16, 2010

**BY HAND**

Hon. Denise Cote  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *In re Application of AT&T Wireless f/k/a Cingular Wireless*,  
09 Civ. 7072, related to *United States v. American Society of*  
*Composers, Authors & Publishers*, 41 Civ. 1395

Dear Judge Cote:

We represent ASCAP in the above-referenced matter and are writing on behalf of ASCAP and AT&T Mobility LLC regarding the conference scheduled for 2:30 p.m. today. As Mr. Petersen and I explained to Your Honor's clerk this morning, three of the four AT&T "sponsorship" content providers that had declined to grant consent to AT&T to share their agreements with ASCAP's businesspeople and economists have now granted consent (two of the three late last evening). As such, even if the fourth content provider does not consent, ASCAP does not believe that this will present an impediment to fashioning a proposal for apportioning the payments made by AT&T to the content providers in question between the streaming content and the other benefits AT&T receives for its payments.

As a consequence, ASCAP now has the remaining agreements and is in the process of formulating a counter-proposal, which we will convey as soon as possible to AT&T. We believe this will enable the parties to reach a consensual resolution of this issue. As we explained to Your Honor's clerk, it is possible we may need the Court's assistance at some point in the future, with some future AT&T content provider who raises the confidentiality point, but for purposes of finalizing the settlement agreements under negotiation, we no longer require the Court's assistance on this third-party confidentiality issue.

As a result, it is also the case that the parties have no other disputed issues between them regarding the settlements agreements that are ripe for resolution by the Court, nor do we currently anticipate requiring the Court's assistance with any other disputed issue before the agreements can be signed. The parties expect to be able to present the Court with a proposed

Hon. Denise Cote  
December 16, 2010  
Page 2

stipulation of dismissal (which will attach the various agreements the parties have been negotiating) on or before January 19, 2011.

Respectfully submitted,



Hillel A. Parness

cc: Richard Reimer, Esq., Christine Pepe, Esq.  
Joseph M. Beck, Esq., Joseph E. Petersen, Esq., James A. Trigg, Esq.  
David Leichtman, Esq.

*Submission is due*

*1/19/11.*

*Denise Cote*  
*12/16/10*